
Panel Members

Chairperson	Donna Rygate
Panel Experts	Sue Francis Greg Flynn
Community Representative/s	Lyn Hunt

Central Coast Council Staff Attendance

Chris Ross	Senior Development Planner Development Assessment South
Rachel Callachor	Local Planning Panel Support Coordinator

The Chairperson, Donna Rygate, declared the meeting open at 5:00pm.

This Supplementary meeting is to consider DA 57302/2019. As a Supplementary Report was provided to the Local Planning Panel on 25 August 2020, as per request at the Panel meeting of 23 July 2020 where the matter was deferred.

The Local Planning Panel Supplementary Meeting closed at 5:20pm

3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford - Redevelopment of Existing Shopping Centre with inclusion of a new Centre Based Child Care Facility and new Food and Drink Premises

Site Inspected	Yes
Relevant Considerations	As per Council assessment report, addenda and Supplementary report
Material Considered	<ul style="list-style-type: none">• Council assessment report and addenda• Submissions• Speakers at LPP meeting, 23 July 2020• Supplementary report
Council Recommendation	Approval subject to conditions

- Panel Decision**
- 1** *The Panel resolves to grant consent to the proposed development, subject to revised conditions and additions at attachment 1, and having regard to the matters for consideration detailed in Section 4.16 of the Environmental Planning and Assessment Act 1979.*
 - 2** *That Council advise those who made written submissions of the Panel's decision.*
 - 3** *That Council advise the relevant external authorities of the Panel's decision.*
- Reasons**
- 1 Consent conditions are agreed subject to amendment in accordance with section 4.16 of the Environmental Planning and Assessment Act 1979.
 - 2 Adjoining property owners were notified of the proposed development in accordance with Council's policy and concerns raised in submissions have been considered and addressed where applicable
 - 3 In relation to the height of the pylon sign, Gosford DCP 2013 3.7.7.2 (ii) specifies a maximum 6m height control.
- Votes** Unanimous
- Attachments** Attachment 1 Conditions of Consent – DA57302/2019

STAGE 1: Food and Drink premises works, partial demolition works, car park works, fencing works, landscaping works

1. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and drawn by Squillace, and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

Architectural Plans

Drawing	Description	Sheets	Issue	Date
DA1 - 02	Demolition plan North	1	C	20.11.2019
DA1 - 03	Demolition Plan South	1	B	26.06.2019
DA1 - 04	First Floor Demolition Plan North	1	E	7.11.2019
DA1 - 05	First Floor Demolition Plan South	1	B	26.06.2019
DA1 - 10	Site Plan	1	G	07.11.2019
DA1- 11	Main Floor Plan North	1	J	04.06.2020
DA1 - 12	Main Floor Plan South	1	I	29.07.2020
DA1 - 13	First Floor Plan South	1	F	15.04.2020
DA1 - 14	Roof Plan North	1	F	15.04.2020
DA1 - 15	Roof Plan South	1	D	17.09.2019
DA1 - 16	Elevations 1	1	K	07.11.2019
DA1 - 17	Elevations 2	1	J	17.09.2019
DA1 - 18	Elevations 3	1	J	18.09.2019
DA1 - 19	Elevations 4	1	J	18.09.2019
DA1 - 20	Sections	1	J	18.09.2019
DA1 - 21	Signage Details	1	G	18.09.2019
DA1 - 23	Staging Plans	1	A	23.09.2019

DA1 – 24	Staging Plans	1	A	23.09.2019
DA1 - 25	Staging Plans	1	A	23.09.2019
DA01	0-2 Age Group Outdoor Play Plan	1	B	26.11.2019
DA02	2-5 Age Group Outdoor Play Plan	1	B	26.11.2019
L_101	Landscape Architectural Plan – Southern Zone	1	F	04.08.2020
L_102	Landscape Architectural Plan – Northern Zone	1	E	19.09.2019
40644 005DT – (1 – 13)	Detail Survey	13	C	03.06.2019

Supporting Documentation

ECM No.	Title	Date
D13869471	Statement of Environmental Effects	November 2019
ECMD25452055	Air Quality Report	December 2019
ECMD25427310	Kids Club Operational Management Plan	No Date
ECMD25427304	Civil Stormwater Plans	10 November 2019
ECMD25427308	Acoustic Report	November 2019
ECMD25280261	Operation Plan - Hungry Jacks	No Date
ECMD25427305	Traffic Report	26 November 2019
D14063447	TfNSW Agency Advice	01.04.2020
D14136526	Landscape Planting Schedule (Architectural Details Sheet 2 (Drawing L_502 issue C)	04.08.2020

1.2. Approval is granted for the development to be carried out in 3 stages in the following manner:

Stage 1 –

- Re-sheeting and reconfiguration of the southern portion of the existing carpark
- Removal of the Return and Earn facility from the site.
- Construction of Hungry Jacks Pad Site
- Hungry Jacks building signage, pylon signage and banner signage
- Hungry Jacks new car parking spaces
- Acoustic fence between pad site and neighbouring property
- Hungry Jacks pad site landscaping, including vegetation buffer to adjoining residential land.
- Establishment of all landscaping associated with the southern portion of the carpark.
- And ancillary works as required

Stage 2 –

- Demolition of existing tavern and construction of 24 car parking spaces and 3 motorcycle spaces in the location of the former tavern. 20 of the new spaces are to be marked as temporary spaces to service the child care centre
- Amenities upgrade with addition of a new parent's room
- Demolition of existing walls to first floor
- Conversion of existing office space to 121 place childcare centre
- Installation of new lift to accommodate first floor tenancies
- Building facades Signage for childcare
- And ancillary works as required

Stage 3 –

- Re-sheeting and reconfiguration of the northern portion of the existing carpark
- Construction of new shade sails to carpark
- New carpark vehicular entry/exits
- New play area along with forecourt refurbishment with outdoor seating
- New mall and shopfront to Coles supermarket entry
- Pedestrian arcade from Brisbane Water Drive includes new feature ceiling
- Upgrading to the building façade
- Reconfiguration of existing shopping centre loading dock.
- Establishment of all landscaping associated with the northern portion of the carpark.
- New signage towers associated with the Shopping Centre
- Establishment of all remaining landscaping elements.
- And ancillary works as required

Works are to be finalised for each stage prior to the release of the Occupation Certificate for each stage.

- 1.3. Carry out all building works in accordance with the Building Code of Australia.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

All conditions under this section must be met prior to the issue of any Construction Certificate for the relevant stage

- 2.1 All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2 No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
 - a. Site investigation for the preparation of the construction; and / or

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- b. Implementation of environmental protection measures, such as erosion control and the like that are required by this consent; and
 - c. Demolition.
- 2.3 Submit amendments to the approved plans to the Accredited Certifier pursuant to clause 139 of the *Environmental Planning and Assessment Regulation 2000* that must detail:
- a) Plan DA1.12 – Main Floor Plan South is to be modified in the following manner:
 - 1. The acoustic fence shown between the fast food premises and the residential dwellings is to be designed and indicated on plans to achieve the maximum height of 2700mm at a point no closer than 500mm from the dividing fence line. This is to be achieved through the fence being constructed so as the vertical portion, located at the boundary ceases at 2000mm and the remainder of the fence height is to be angled away from the residential dwellings at a maximum angle of 33 degrees, matching that of mid-winter sunlight.
 - 2. The plan is to be revised to identify all mixed and recyclables waste storage containers /storage and servicing location for the food and drink premises.
 - b) Plan DA1. 23, 24, 25 - Staging Plans 1-3 are to be revised to match the details within Condition 1.2 of this consent.
 - c) Plan DA1.21, Signage Details is to be revised to indicate a maximum height of the Pylon Sign to be no greater than 6000mm.
 - d) Plans DA1.16, 17, 18, and 19, being Elevations 1 - 4 are to be revised to indicate a maximum height of Signage Towers to be no greater than 6000mm.
- 2.4 A Waste Management Plan in accordance with Chapter 7.2 – Waste Management of Gosford DCP 2013 for Construction, Use of Premises and Ongoing management of waste is to be submitted for the proposed Hungry Jacks to Council's Waste Services Unit for approval. Plan assessment fees apply.
- 2.5 Submit an application to Council under section 305 of the *Water Management Act 2000* to obtain a section 307 Certificate of Compliance. The *Application for a 307 Certificate under section 305 Water Management Act 2000* form can be found on Council's website: www.centralcoast.nsw.gov.au . Early application is recommended.
- A section 307 Certificate must be obtained prior to the issue of any Construction Certificate.
- 2.6 Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development.

The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.

- 2.7 Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
- a) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
 - b) Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A nutrient and pollution control report including an operation and maintenance plan must accompany the design
 - c) Construction of stormwater drainage collection and piping of all stormwater runoff from areas within the site to the existing stormwater system within the site. Existing stormwater discharge points within the site are to be utilised to connect stormwater from the site to Council's drainage system in the road reserve/s.

Detailed design drawings and design reports acceptable to the Accredited Certifier must be included in the Construction Certificate documentation.

- 2.8 Submit engineering details prepared and certified by a practising structural engineer that comply with *Council's Building Over or Adjacent to Sewer and Water Main Guidelines* to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.
- 2.9 Submit details to the Principal Certifying Authority of the design of the fit out of the food premises. The design of the fit out of the food premises is to comply with the *Food Act 2003, Food Regulation 2010, Australia New Zealand Food Standards Code, Australian Standard AS 4674-2004: Design, Construction and Fit-out of Food Premises* and Clause G1.2 of the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate. Details of compliance are to be included in the plans and specifications for the Construction Certificate.
- 2.10 Submit details to the Principal Certifying Authority of any proposed mechanical ventilation systems. The design of the mechanical ventilation is to comply with the relevant requirements of Clause F4.12 of the National Construction Code Series, Building Code of

Australia, Volume 1 and 2 as appropriate, Australian Standard AS 1668.1:2015 *The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings and Australian Standard 1668.2:2012 The use of ventilation and air conditioning in buildings –*

Mechanical ventilation in buildings (including exhaust air quantities and discharge location points). These details are to be included in the Construction Certificate.

2.11 Provide certification to the Principal Certifying Authority to confirm the final fit-out of the food premises complies with the *Food Act 2003, Food Regulation 2010, Australia New Zealand Food Standards Code, Australian Standard AS 4674-2004: Design, Construction and Fit-out of Food Premises* and Clause G1.2 of the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.

2.12 Submit a trade waste application for approval to Council as the Water and Sewer Authority in order to discharge liquid trade waste into the sewerage system. This form can be found on Council's website: www.centralcoast.nsw.gov.au

2.13 Submit details showing that the levels of fire safety within the premises will achieve total conformity with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate / an adequate level of fire safety in accordance with a fire safety report prepared by a suitably qualified person.

The fire safety report must detail the measures considered appropriate to satisfy the relevant performance requirements of the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate to:

- protect persons using the building, and to facilitate their egress from the building in the event of fire, or
- restrict the spread of fire to other buildings nearby

Note: Required by Clause 94 of the *Environmental Planning and Assessment Regulation 2000*.

2.14 Pay to Council a contribution amount of \$22,300.00, that may require adjustment at time of payment, in accordance with the Central Coast Regional Section 7.12 Development Contribution Plan 2019.

The total amount to be paid must be indexed each quarter in accordance with the Consumer Price Index (All Groups index) for Sydney issued by the Australian Statistician as outlined in the contribution plan.

Contact Council's Contributions Planner on 1300 463 954 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies the contributions have been paid. A copy of this receipt must accompany the documents submitted by the principal certifier to Council under Clause 104/Clause 160(2) of the Environmental Planning and Assessment Regulation 2000.

A copy of the Contribution Plan may be inspected at the offices of Central Coast Council, 49 Mann Street Gosford, or 2 Hely Street Wyong, or on Council's website:

[Development Contributions - former Gosford LGA](#)

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. Appoint a Principal Certifying Authority for the building work:
 - a. The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - b. Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au
- 3.3. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
 - a. The name, address and telephone number of the Principal Certifying Authority for the work; and
 - b. The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - c. That unauthorised entry to the work site is prohibited.
 - d. Remove the sign when the work has been completed.
- 3.4. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au

Contact Council prior to submitting these forms to confirm the relevant fees.

This condition only applies if installation/alteration of plumbing and/or drainage works are proposed (excludes stormwater drainage)

- 3.5. Obtain a Construction Certificate for the construction works within the private property.

- 3.6 Prepare a Construction Traffic and Pedestrian Management Plan (CTPMP) for all activities related to works within the site. The plan must be prepared and implemented only by persons with Roads and Maritime Service accreditation for preparing and implementing traffic management plans at work sites.

The CTPMP must describe the proposed construction works, the traffic impacts on the local area and how these impacts will be addressed.

The CTPMP must address, but not be limited to, the following matters:

- Ingress and egress of construction related vehicles to the development site.
- Details of the various vehicle lengths that will be used during construction and the frequency of these movement.
- Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.
- Deliveries to the site, including loading / unloading materials and requirements for work zones along the road frontage to the development site. A Plan is to be included that shows where vehicles stand to load and unload, where construction plant will stand, location of storage areas for equipment, materials and waste, locations of Work Zones (if required) and location of cranes (if required).
- Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
- Control of pedestrian and vehicular traffic where pre-construction routes are affected.
- Temporary Road Closures.

Where the plan identifies that the travel paths of pedestrians and vehicular traffic are proposed to be interrupted or diverted for any construction activity related to works inside the development site an application must be made to Council for a Road Occupancy Licence. Implementation of traffic management plans that address interruption or diversion of pedestrian and/or vehicular traffic must only take place following receipt of a Road Occupancy Licence from Council or the Roads and Maritime Service where on a classified road.

Where a dedicated delivery vehicle loading and unloading zone is required along the road frontage of the development site a Works Zone Application must be lodged and approved by Council. A minimum of 3 months is required to allow Traffic Committee endorsement and Council approval.

The Construction Traffic and Pedestrian Management Plan must be reviewed and updated during construction of the development to address any changing site conditions.

A copy of the Construction Traffic and Pedestrian Management Plan must be held on site at all times and be made available to Council upon request.

- 3.7 Submit a dilapidation report to Council, the Accredited Certifier and relevant adjoining property owners. The report is to be prepared by a suitably qualified person detailing the structural characteristics of all buildings located on properties immediately adjoining the site boundaries and any council asset in the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the improvements erected upon allotments immediately adjoining the development site and to the road, kerb, footpath, driveways, water supply and sewer infrastructure, street trees and street signs or any other Council asset in the vicinity of the development.

In the event that access to an adjoining property(s) for the purpose of undertaking the dilapidation report is denied, submit evidence in writing demonstrating that all steps were taken to obtain access to the adjoining property(s).

- 3.8 Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.
- 3.9 Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
- a. could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - b. could cause damage to adjoining lands by falling objects, or
 - c. involve the enclosure of a public place or part of a public place

Note 1: A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

Note 2: The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

4. DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:

7.00am and 5.00pm Monday to Saturday

No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

- 4.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:
- a. All excavation or disturbance of the area must stop immediately in that area, and
 - b. The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

- 4.4 It is an offence under the *National Parks and Wildlife Act 1974* to disturb an Aboriginal artefact without a Permit. If during works suspected Aboriginal heritage items (stone tool artefacts, shell middens, axe grinding groves, pigment or engraved rock art, burials or scar trees) are identified, works will cease and OEH (131555) will be contacted.
- 4.5 Implement all erosion and sediment control measures and undertake works in accordance with the approved Erosion and Sediment Control Plan, prepared by Danmor Consulting Engineers, dated 10.11.19. Update the plan as required during all stages of the construction or in accordance with the *'Blue Book' (Managing Urban Stormwater: Soils and Construction, Landcom, 2004)*.
- 4.6 Classify all excavated material removed from the site in accordance with NSW EPA (2014) *Waste Classification Guidelines* prior to disposal. All excavated material must be disposed of to an approved waste management facility, and receipts of the disposal must be kept on-site.
- 4.7 Do not give rise to water pollution as defined in the *Protection of the Environment Operation Act 1997*.
- 4.8 Implement dust suppression measures on-site during works to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the *Protection of the Environment Operations Act 1997*.
- 4.9 Immediately notify Council of any new information which comes to light during works which has the potential to alter previous conclusions about site contamination.
- 4.10 Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3-*Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.
- 5.3. Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 5.4. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 5.5. Amend the Deposited Plan (DP) for lot 11 DP 880156 to:
 - 1) Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan. The plan and instrument must:
 - Create a 'Restriction on the use of Land' over all lots containing a nutrient / pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
 - 2) Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Covenant(s) required:
 - a) To ensure on any lot containing a nutrient / pollution facility that:
 - i. the facility will remain in place and fully operational.
 - ii. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
 - iii. Council's officers are permitted to enter the land to inspect and repair the facility at the owner's cost.
 - iv. Council is indemnified against all claims of compensation caused by the facility.

Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council Subdivision Certificate Officer.

Submit to the Principal Certifier copies of registered title documents showing the restrictive and positive covenants.

- 5.6 Complete Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: *Parking Facilities*, other applicable Australian Standards and the detailed designs and design reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.
- 5.7 Install acoustic fences along the boundary between the Food and Drink Premises and 267 Brisbane Water Dr, West Gosford. The fences should be a minimum 2700mm solid capped and lapped timber fence above FGL, designed in accordance with Condition 2.3(a)(1) and maintained to ensure no gaps at all times. The cost of the fence in its entirety is to be borne by the beneficiary of this consent.
- 5.8 A qualified acoustic consultant is to confirm that the specification and location of the mechanical plant and exhaust fans shall not exceed those listed in Section 8.2 of the *Noise Impact Assessment* prepared by Reverb Acoustics, dated August 2019.
- 5.9 Provide certification to the Principal Certifying Authority to confirm the final fit-out of the food premises complies with the *Food Act 2003*, *Food Regulation 2010*, *Australia New Zealand Food Standards Code*, Australian Standard AS 4674-2004: *Design, Construction and Fit-out of Food Premises* and Clause G1.2 of the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
- 5.10 No food handling, as defined by the NSW *Food Act 2003*, is permitted in the food premises prior to the issue of the Occupation Certificate.
- 5.11 Provide certification from a mechanical engineer to the Principal Certifying Authority that the construction, installation and operation of the exhaust hood ventilation system meet the requirements of:
- Australian Standard AS 1668 Part 1-2015: *The use of ventilation and air-conditioning in buildings - Fire and smoke control in buildings*
 - Australian Standard AS 1668 Part 2-2012: *The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings*
- 5.12 Submit a Food Premises registration form to Council. The form can be found on Council's website: www.centralcoast.nsw.gov.au
- 5.13 Install floor waste bucket traps in commercial kitchen food preparation and handling areas.
- 5.14 Install in-sink strainers within the commercial kitchen sink waste outlets.
- 5.15 Install approved commercial grease arrestor (minimum capacity *1500 litres) in association with the food premises.
- 5.16 The following is to be implemented:
- Install floor waste screens or basket arrestors in waste bin storage/wash areas.

- Connect waste bin wash waste water to sewer in accordance with Australian Standards AS/NZ 3500 Plumbing & Drainage Regulations.
 - Exclude ingress of stormwater into Council' Sewerage System
- 5.17 Complete the landscaping works as detailed on Plan L_101 – Landscape Architectural Plan – Southern Zone, issue F, Dated 04.08.2020.
- 5.18 Install all carpark lighting and restaurant lighting so as all lighting is shielded in a manner that ensures no light is cast higher than the dividing fence of the southern boundary.

6. ONGOING OPERATION

- 6.1 Restrict deliveries to during the day (7am-6pm) & evening (6pm-10pm). No deliveries at night (10pm-7am).
- 6.2 Install the drive-thru speaker boxes so they face towards the centre of the shopping centre site and away from residential dwellings.
- 6.3 Restrict waste collection of the Food and Drink Premises to weekdays between 7.00am to 6.00pm.
- 6.4 Operate in accordance with Operational Management Plan Hungry Jack's.
- 6.5 Maintain the boundary fences at all times. The is to be free of any visible air gaps. The cost of maintenance of the fence is the sole responsibility of the owner or management of the shopping centre.
- 6.6 The person benefiting this consent must supply to Council, at three months intervals for a period of 12 months after the restaurant begins operating, an acoustic assessment of operational noise emissions from the premises. This acoustic assessment is to be undertaken by a suitably qualified and experienced Acoustic Consultant and is to identify any areas where further noise mitigation measures **may be required**.
- 6.7 Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.8 Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 6.9 Comply with all commitments generally as detailed in the Waste Management Plan as/when approved by Council's Waste Services Unit in line with Condition 2.4.
- 6.10 Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.

- 6.11 Construct and manage the waste storage enclosure in accordance with the provisions of Gosford Development Control Plan 2013, Part 7: *Chapter 7.2 Waste Management*, Appendix D and Appendix G, as applicable.
- 6.12 Food waste to be stored in a designated Food Waste Refrigerator prior to disposal alternatively food waste to be separately stored for disposal of maximum 2-3 day intervals.
- 6.13 All waste to be serviced at a suitable frequency to ensure available waste storage at all times.
- 6.14 Lodge a new Trade Waste application when there is a change of ownership / occupancy or change to the activities licenced under this approval. As part of this process, Council will reassess the Liquid Trade Waste requirements for the site and update the Liquid Trade Waste approval document as appropriate. This form can be found on Council's website: www.centralcoast.nsw.gov.au
- 6.15 Maintain all works associated with the approved Landscape Plan L101 – Landscape Architectural Plan – Southern Zone, issue F, Dated 04.08.2020, and Plan L102 - Landscape Architectural Plan – Northern Zone, issue E, Dated 19.09.2019, and the Landscape Planting Schedule (Landscape Architectural Details, sheet 2, issue C, Dated 04.08.2020 throughout all stages of the development in perpetuity. Plants and landscaping as approved are to be replaced and maintained as required for the lifetime of the development.
- 6.16 Ensure all lighting associated with the carpark and restaurant remains shielded in a manner that permits no light to be cast higher than the dividing fence on the southern boundary.

PENALTIES

Failure to comply with this development consent and any condition of this consent may be a **criminal offence**. Failure to comply with other environmental laws may also be a **criminal offence**.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

ADVISORY NOTES

- The inspection fee for works associated with approvals under the *Roads Act 1977* is calculated in accordance with Council's current fees and charges policy.
- Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.
- It is an offence under the *National Parks and Wildlife Act 1974* to disturb an Aboriginal artefact without a Permit.
- Discharge of sediment from a site may be determined to be a pollution event under provisions of the Protection of the Environment Operations Act 1997. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a. Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b. Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c. Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d. Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e. Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the Workplace Health and Safety Act 2011 No 10 and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- **Dial Before You Dig**
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

- *Telecommunications Act 1997* (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

STAGE 2: Construction of Parents Room, First Floor Works to Facilitate New Childcare Centre, New Lift to First Floor Tenancies, Childcare Signage

7. PARAMETERS OF THIS CONSENT

7.1. Approved Plans and Supporting Documents

Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and drawn by Squillace, and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

Architectural Plans

Drawing	Description	Sheets	Issue	Date
DA1 - 02	Demolition plan North	1	C	20.11.2019
DA1 - 03	Demolition Plan South	1	B	26.06.2019
DA1 - 04	First Floor Demolition Plan North	1	E	7.11.2019
DA1 - 05	First Floor Demolition Plan South	1	B	26.06.2019
DA1 - 10	Site Plan	1	G	07.11.2019
DA1- 11	Main Floor Plan North	1	J	04.06.2020
DA1 - 12	Main Floor Plan South	1	I	29.07.2020
DA1 - 13	First Floor Plan South	1	F	15.04.2020
DA1 - 14	Roof Plan North	1	F	15.04.2020
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DA1 - 16	Elevations 1	1	K	07.11.2019

DA1 - 17	Elevations 2	1	J	17.09.2019
DA1 - 18	Elevations 3	1	J	18.09.2019
DA1 - 19	Elevations 4	1	J	18.09.2019
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DA1 - 21	Signage Details	1	G	18.09.2019
DA1 - 23	Staging Plans	1	A	23.09.2019
DA1 - 24	Staging Plans	1	A	23.09.2019
DA1 - 25	Staging Plans	1	A	23.09.2019
DA01	0-2 Age Group Outdoor Play Plan	1	B	26.11.2019
DA02	2-5 Age Group Outdoor Play Plan	1	B	26.11.2019
L_101	Landscape Architectural Plan – Southern Zone	1	F	04.08.2020
L_102	Landscape Architectural Plan – Northern Zone	1	E	19.09.2019
40644 005DT – (1 – 13)	Detail Survey	13	C	03.06.2019

Supporting Documentation

ECM No.	Title	Date
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ECMD25452055	Air Quality Report	December 2019
ECMD25427310	Kids Club Operational Management Plan	No Date
ECMD25427304	Civil Stormwater Plans	10 November 2019
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ECMD25427305	Traffic Report	26 November 2019
D14063447	TfNSW Agency Advice	01.04.2020
D14136526	Landscape Planting Schedule (Architectural Details Sheet 2 (Drawing L_502 issue C)	04.08.2020

7.2. Stage 2 involves the following works–

- Demolition of existing tavern and construction of 24 car parking spaces and 3 motorcycle spaces in the location of the former tavern. 20 of the new spaces are to be marked as temporary spaces to service the child care centre
- Amenities upgrade with addition of a new parent's room
- Demolition of existing walls to first floor

- Conversion of existing office space to 121 place childcare centre
- Installation of new lift to accommodate first floor tenancies
- Building facades Signage for childcare
- And ancillary works as required

Works are to be finalised appropriate for each stage prior to the release of the Occupation Certificate.

7.3 Carry out all building works in accordance with the Building Code of Australia.

8. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

All conditions under this section must be met prior to the issue of any Construction Certificate for the relevant stage

- 8.1 All conditions under this section must be met prior to the issue of any Construction Certificate.
- 8.2 No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
- d. Site investigation for the preparation of the construction; and / or
 - e. Implementation of environmental protection measures, such as erosion control and the like that are required by this consent; and
 - f. Demolition.
- 8.3 Submit amendments to the approved plans to the Accredited Certifier pursuant to clause 139 of the *Environmental Planning and Assessment Regulation 2000* that must detail:
- a) Plan DA1.11 – Main Floor Plan North is to be modified in the following manner:
 - 1. The Plan is to be revised to identify clearly all mixed and recyclables waste storage containers /storage and servicing location for the Childcare Centre, the various tenancies within the existing shopping centre, and the supermarket. The plan is to correspond with the revised Operational Waste Management Plan as specified within Condition 8.4 of this consent.
- 8.4 An Operational Waste Management Plan to revise waste generation rates consistent with the Better practice guide for resource recovery in residential developments for the proposed Child Care Centre. ie. 20 litres/child/day mixed waste and 5 litres/child/day recyclables waste is to be submitted to Council's Waste Services Unit for approval. Assessment fees apply.
- 8.5 Submit an application to Council under section 305 of the *Water Management Act 2000* to obtain a section 307 Certificate of Compliance. The *Application for a 307 Certificate under section 305 Water Management Act 2000* form can be found on Council's website: www.centralcoast.nsw.gov.au . Early application is recommended.

A section 307 Certificate must be obtained prior to the issue of any Construction Certificate.

- 8.6 Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development.

The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.

- 8.7 Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
- a) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
 - b) Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A nutrient and pollution control report including an operation and maintenance plan must accompany the design
 - c) Construction of stormwater drainage collection and piping of all stormwater runoff from areas within the site to the existing stormwater system within the site. Existing stormwater discharge points within the site are to be utilised to connect stormwater from the site to Council's drainage system in the road reserve/s.

Detailed design drawings and design reports acceptable to the Accredited Certifier must be included in the Construction Certificate documentation.

- 8.8 Submit details showing that the levels of fire safety within the premises will achieve total conformity with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate / an adequate level of fire safety in accordance with a fire safety report prepared by a suitably qualified person.

The fire safety report must detail the measures considered appropriate to satisfy the relevant performance requirements of the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate to:

- protect persons using the building, and to facilitate their egress from the building in the event of fire, or
- restrict the spread of fire to other buildings nearby

Note: Required by Clause 94 of the *Environmental Planning and Assessment Regulation 2000*.

9. PRIOR TO COMMENCEMENT OF ANY WORKS

- 9.1. All conditions under this section must be met prior to the commencement of any works.
- 9.2. Appoint a Principal Certifying Authority for the building work:
- c. The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - d. Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au
- 9.3. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- e. The name, address and telephone number of the Principal Certifying Authority for the work; and
 - f. The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - g. That unauthorised entry to the work site is prohibited.
 - h. Remove the sign when the work has been completed.
- 9.4. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au
- Contact Council prior to submitting these forms to confirm the relevant fees.
- This condition only applies if installation/alteration of plumbing and/or drainage works are proposed (excludes stormwater drainage)
- 9.5. Obtain a Construction Certificate for the construction works within the private property.
- 9.6. Prepare a Construction Traffic and Pedestrian Management Plan (CTPMP) for all activities related to works within the site. The plan must be prepared and implemented only by

persons with Roads and Maritime Service accreditation for preparing and implementing traffic management plans at work sites.

The CTPMP must describe the proposed construction works, the traffic impacts on the local area and how these impacts will be addressed.

The CTPMP must address, but not be limited to, the following matters:

- Ingress and egress of construction related vehicles to the development site.
- Details of the various vehicle lengths that will be used during construction and the frequency of these movement.
- Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.
- Deliveries to the site, including loading / unloading materials and requirements for work zones along the road frontage to the development site. A Plan is to be included that shows where vehicles stand to load and unload, where construction plant will stand, location of storage areas for equipment, materials and waste, locations of Work Zones (if required) and location of cranes (if required).
- Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
- Control of pedestrian and vehicular traffic where pre-construction routes are affected.
- Temporary Road Closures.

Where the plan identifies that the travel paths of pedestrians and vehicular traffic are proposed to be interrupted or diverted for any construction activity related to works inside the development site an application must be made to Council for a Road Occupancy Licence. Implementation of traffic management plans that address interruption or diversion of pedestrian and/or vehicular traffic must only take place following receipt of a Road Occupancy Licence from Council or the Roads and Maritime Service where on a classified road.

Where a dedicated delivery vehicle loading and unloading zone is required along the road frontage of the development site a Works Zone Application must be lodged and approved by Council. A minimum of 3 months is required to allow Traffic Committee endorsement and Council approval.

The Construction Traffic and Pedestrian Management Plan must be reviewed and updated during construction of the development to address any changing site conditions.

A copy of the Construction Traffic and Pedestrian Management Plan must be held on site at all times and be made available to Council upon request.

- 9.7 Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed

plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.

9.8 Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:

- d. could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- e. could cause damage to adjoining lands by falling objects, or
- f. involve the enclosure of a public place or part of a public place

Note 1: A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

Note 2: The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

10. DURING WORKS

10.1. All conditions under this section must be met during works.

10.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:

7.00am and 5.00pm Monday to Saturday

No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

10.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:

- c. All excavation or disturbance of the area must stop immediately in that area, and
- d. The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

10.4 It is an offence under the *National Parks and Wildlife Act 1974* to disturb an Aboriginal artefact without a Permit. If during works suspected Aboriginal heritage items (stone tool

- artefacts, shell middens, axe grinding groves, pigment or engraved rock art, burials or scar trees) are identified, works will cease and OEH (131555) will be contacted.
- 10.5 Implement all erosion and sediment control measures and undertake works in accordance with the approved Erosion and Sediment Control Plan, prepared by Danmor Consulting Engineers, dated 10.11.19. Update the plan as required during all stages of the construction or in accordance with the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*).
 - 10.6 Classify all excavated material removed from the site in accordance with NSW EPA (2014) *Waste Classification Guidelines* prior to disposal. All excavated material must be disposed of to an approved waste management facility, and receipts of the disposal must be kept on-site.
 - 10.7 Do not give rise to water pollution as defined in the *Protection of the Environment Operation Act 1997*.
 - 10.8 Removal of greater than 10m² of non-friable asbestos and the removal of all friable asbestos must be undertaken by a licensed asbestos removal and in compliance with the *NSW Government Workcover How to Safely Remove Asbestos Code of Practice 2011*.
 - 10.9 Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.
 - 10.10 All excavated material removed from the site must be classified in accordance with NSW EPA (1999) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal. All excavated material must be disposed of to an approved waste management facility and receipts of the disposal must be kept on site.
 - 10.11 Implement dust suppression measures on-site during works to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the *Protection of the Environment Operations Act 1997*.
 - 10.12 Immediately notify Council of any new information which comes to light during works which has the potential to alter previous conclusions about site contamination.
 - 10.13 Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.

11. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 11.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.

- 11.2 Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3-*Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.
- 11.3 Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 11.4 Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 11.5 Complete Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: *Parking Facilities*, other applicable Australian Standards and the detailed designs and design reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.
- 11.6 A qualified acoustic consultant is to certify the specifications for window glazing and adsorbent ceiling are as per those listed in Section 8.1 of the *Noise Impact Assessment* prepared by Reverb Acoustics, dated August 2019.
- 11.7 Install in-sink strainers within the commercial childcare centre kitchen sink waste outlets.
- 11.8 Install floor waste bucket traps in commercial childcare centre kitchen food preparation and handling areas.
- 11.9 Install approved commercial grease arrestor (minimum capacity 1000 litres) in association with the Childcare centre kitchen, assuming hot food is to be prepared on site.
- 11.10 The following is to be implemented:
- Install floor waste screens or basket arrestors in waste bin storage/wash areas associated with the childcare centre.
 - Connect waste bin wash waste water to sewer in accordance with Australian Standards AS/NZ 3500.2.2018 Plumbing & Drainage – Sanitary Plumbing & Drainage.
 - Exclude ingress of stormwater into Council's sewerage System.
- 11.11 Twenty (20) of the car parking spaces located in the general footprint of the former tavern site are to be marked and signposted in a clear manner as temporary spaces to service the child care centre.

12. ONGOING OPERATION

- 12.1 The activities conducted at the premise are not to give rise to offensive noise, as defined in the *Protection of the Environment Operations Act 1997*.
- 12.2 Operating hours are restricted to the following times:
- Monday to Friday: 6:30am to 6:30pm.
- 12.3 The use of outdoor play areas is restricted to a maximum of two hours per day.
- 12.4 Accommodation limits are restricted to the following:
- 0-2 years: 36 children
 - 1.5-2.5 years: 15
 - 2-3 years: 30 children
 - 3-5 years: 40 children
- 12.5 Operate in accordance with the Childcare Centre Operation Plan.
- 12.6 Should a report of a noise nuisance from the operation of the Childcare Centre be received and confirmed by Council the person benefiting this consent must supply to Council, within 30 days, an acoustic assessment of operational noise emissions from the premises to be undertaken by a suitably qualified and experienced Acoustic Consultant that identify any areas where further noise mitigation measures **will be required**.
- 12.7 Comply with all commitments generally as detailed in the Waste Management Plan required to be prepared and approved by Council's Waste Services Unit under Condition 8.3(c)(1).
- 12.8 Locate the approved waste storage enclosure / area as indicated in accordance with the Waste Management Plan required to be prepared and approved by Council's Waste Services Unit under Condition 8.3(a)(1).
- 12.9 Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 12.10 Construct and manage the waste storage enclosure in accordance with the provisions of Gosford Development Control Plan 2013, Part 7: *Chapter 7.2 Waste Management*, Appendix D and Appendix G, as applicable.
- 12.11 Food waste to be stored in a designated Food Waste Refrigerator prior to disposal alternatively food waste to be separately stored for disposal of maximum 2-3 day intervals.
- 12.12 All waste to be serviced at a suitable frequency to ensure available waste storage at all times.
- 12.13 Lodge a new Liquid Trade Waste application when there is a change of ownership / occupancy or change to the activities licenced under this approval. As part of this process, Council will reassess the Liquid Trade Waste requirements for the site and update the Liquid

Trade Waste approval document as appropriate. This form can be found on Council's website: www.centralcoast.nsw.gov.au

12.14 The twenty (20) car parking spaces located in the general footprint of the former tavern site marked and signposted in a clear manner as temporary spaces to service the child care centre are to be maintained as temporary parking spaces exclusively for the use of child care drop off and pick up for the lifetime of the development.

PENALTIES

Failure to comply with this development consent and any condition of this consent may be a **criminal offence**. Failure to comply with other environmental laws may also be a **criminal offence**.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

ADVISORY NOTES

- The inspection fee for works associated with approvals under the *Roads Act 1977* is calculated in accordance with Council's current fees and charges policy.
- Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.
- It is an offence under the *National Parks and Wildlife Act 1974* to disturb an Aboriginal artefact without a Permit.
- Discharge of sediment from a site may be determined to be a pollution event under provisions of the Protection of the Environment Operations Act 1997. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:

- f. Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - g. Jemena Asset Management for any change or alteration to the gas line infrastructure
 - h. Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - i. Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - j. Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the Workplace Health and Safety Act 2011 No 10 and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
 - **Dial Before You Dig**
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
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STAGE 3: Construction of Balance of New Carparking Surfaces, Shade Sails, Façade updates, New Mall Entry for Coles Tenancy, New Signage Towers, Reconfiguration of Loading Docks

13. PARAMETERS OF THIS CONSENT

13.1. Approved Plans and Supporting Documents

Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and drawn by Squillace, and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

Architectural Plans

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Supporting Documentation

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ECMD25427305	Traffic Report	26 November 2019
D14063447	TfNSW Agency Advice	01.04.2020
D14136526	Landscape Planting Schedule (Architectural Details Sheet 2 (Drawing L_502 issue C)	04.08.2020

13.2. Stage 3 involves the following works–

- Re-sheeting and reconfiguration of the northern portion of the existing carpark
- Construction of new shade sails to carpark
- New carpark vehicular entry/exits
- New play area along with forecourt refurbishment with outdoor seating
- New mall and shopfront to Coles supermarket entry
- Pedestrian arcade from Brisbane Water Drive includes new feature ceiling
- Upgrading to the building façade
- Reconfiguration of existing shopping centre loading dock.
- Establishment of all landscaping associated with the northern portion of the carpark.
- New signage towers associated with the Shopping Centre
- Establishment of all remaining landscaping elements.
- And ancillary works as required

Works are to be finalised appropriate for each stage prior to the release of the Occupation Certificate.

13.3. Carry out all building works in accordance with the Building Code of Australia.

14. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

All conditions under this section must be met prior to the issue of any Construction Certificate for the relevant stage

- 14.1 All conditions under this section must be met prior to the issue of any Construction Certificate.
- 14.2 No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
- g. Site investigation for the preparation of the construction; and / or
 - h. Implementation of environmental protection measures, such as erosion control and the like that are required by this consent; and
 - i. Demolition.
- 14.3 Submit amendments to the approved plans to the Accredited Certifier pursuant to clause 139 of the *Environmental Planning and Assessment Regulation 2000* that must detail:
- a) Plan DA1.11 – Main Floor Plan North is to be modified in the following manner:
 - 1. The Plan is to be revised to identify all mixed and recyclables waste storage containers /storage and servicing locations as per alterations and additions under this stage of the application. The plan is to correspond with the revised Operational Waste Management Plan as specified within Condition 14.4 of this consent.
- 14.4 A Waste Management Plan in accordance with Chapter 7.2 – Waste Management of Gosford DCP 2013 for Construction, Use of Premises and Ongoing management of waste to be submitted for the proposed stage 3 works. The Waste Management Plan is to be submitted to Council's Waste Services Unit for approval. assessment fees apply.
- 14.5 Submit an application to Council under section 305 of the *Water Management Act 2000* to obtain a section 307 Certificate of Compliance. The *Application for a 307 Certificate under section 305 Water Management Act 2000* form can be found on Council's website: www.centralcoast.nsw.gov.au . Early application is recommended.
- A section 307 Certificate must be obtained prior to the issue of any Construction Certificate.
- 14.6 Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
- a) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.

- b) Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A nutrient and pollution control report including an operation and maintenance plan must accompany the design
- c) Construction of stormwater drainage collection and piping of all stormwater runoff from areas within the site to the existing stormwater system within the site. Existing stormwater discharge points within the site are to be utilised to connect stormwater from the site to Council's drainage system in the road reserve/s.

Detailed design drawings and design reports acceptable to the Accredited Certifier must be included in the Construction Certificate documentation.

- 14.7 Submit details showing that the levels of fire safety within the premises will achieve total conformity with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate / an adequate level of fire safety in accordance with a fire safety report prepared by a suitably qualified person.

The fire safety report must detail the measures considered appropriate to satisfy the relevant performance requirements of the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate to:

- protect persons using the building, and to facilitate their egress from the building in the event of fire, or
- restrict the spread of fire to other buildings nearby

Note: Required by Clause 94 of the *Environmental Planning and Assessment Regulation 2000*.

15. PRIOR TO COMMENCEMENT OF ANY WORKS

- 15.1. All conditions under this section must be met prior to the commencement of any works.

- 15.2. Appoint a Principal Certifying Authority for the building work:

- e. The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
- f. Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the

intention to commence building or subdivision work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au

- 15.3. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- i. The name, address and telephone number of the Principal Certifying Authority for the work; and
 - j. The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - k. That unauthorised entry to the work site is prohibited.
 - l. Remove the sign when the work has been completed.
- 15.4. Obtain a Construction Certificate for the construction works within the private property.
- 15.5 Prepare a Construction Traffic and Pedestrian Management Plan (CTPMP) for all activities related to works within the site. The plan must be prepared and implemented only by persons with Roads and Maritime Service accreditation for preparing and implementing traffic management plans at work sites.

The CTPMP must describe the proposed construction works, the traffic impacts on the local area and how these impacts will be addressed.

The CTPMP must address, but not be limited to, the following matters:

- Ingress and egress of construction related vehicles to the development site.
- Details of the various vehicle lengths that will be used during construction and the frequency of these movement.
- Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.
- Deliveries to the site, including loading / unloading materials and requirements for work zones along the road frontage to the development site. A Plan is to be included that shows where vehicles stand to load and unload, where construction plant will stand, location of storage areas for equipment, materials and waste, locations of Work Zones (if required) and location of cranes (if required).
- Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
- Control of pedestrian and vehicular traffic where pre-construction routes are affected.
- Temporary Road Closures.

Where the plan identifies that the travel paths of pedestrians and vehicular traffic are proposed to be interrupted or diverted for any construction activity related to works inside

the development site an application must be made to Council for a Road Occupancy Licence. Implementation of traffic management plans that address interruption or diversion of pedestrian and/or vehicular traffic must only take place following receipt of a Road Occupancy Licence from Council or the Roads and Maritime Service where on a classified road.

Where a dedicated delivery vehicle loading and unloading zone is required along the road frontage of the development site a Works Zone Application must be lodged and approved by Council. A minimum of 3 months is required to allow Traffic Committee endorsement and Council approval.

The Construction Traffic and Pedestrian Management Plan must be reviewed and updated during construction of the development to address any changing site conditions.

A copy of the Construction Traffic and Pedestrian Management Plan must be held on site at all times and be made available to Council upon request.

- 15.6 Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.
- 15.7 Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
- g. could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - h. could cause damage to adjoining lands by falling objects, or
 - i. involve the enclosure of a public place or part of a public place

Note 1: A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

Note 2: The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

16. DURING WORKS

- 16.1. All conditions under this section must be met during works.
- 16.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:

7.00am and 5.00pm Monday to Saturday

No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

16.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:

- a. All excavation or disturbance of the area must stop immediately in that area, and
- b. The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

16.4. It is an offence under the *National Parks and Wildlife Act 1974* to disturb an Aboriginal artefact without a Permit. If during works suspected Aboriginal heritage items (stone tool artefacts, shell middens, axe grinding groves, pigment or engraved rock art, burials or scar trees) are identified, works will cease and OEH (131555) will be contacted.

16.5. Implement all erosion and sediment control measures and undertake works in accordance with the approved Erosion and Sediment Control Plan, prepared by Danmor Consulting Engineers, dated 10.11.19. Update the plan as required during all stages of the construction or in accordance with the *'Blue Book' (Managing Urban Stormwater: Soils and Construction, Landcom, 2004)*.

16.6. Classify all excavated material removed from the site in accordance with NSW EPA (2014) *Waste Classification Guidelines* prior to disposal. All excavated material must be disposed of to an approved waste management facility, and receipts of the disposal must be kept on-site.

16.7. Do not give rise to water pollution as defined in the *Protection of the Environment Operation Act 1997*.

16.8. Removal of greater than 10m² of non-friable asbestos and the removal of all friable asbestos must be undertaken by a licensed asbestos removal and in compliance with the *NSW Government Workcover How to Safely Remove Asbestos Code of Practice 2011*.

16.9 Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.

16.10 Implement dust suppression measures on-site during works to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the *Protection of the Environment Operations Act 1997*.

- 16.11 Immediately notify Council of any new information which comes to light during works which has the potential to alter previous conclusions about site contamination.
- 16.12 Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.

17. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 17.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 17.2 Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3-*Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.
- 17.3 Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 17.4 Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 17.5 Complete Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: *Parking Facilities*, other applicable Australian Standards and the detailed designs and design reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.
- 17.6 Complete the landscaping works as detailed on Plan L101 – Landscape Architectural Plan – Southern Zone, issue F, Dated 04.08.2020, and Plan L102 - Landscape Architectural Plan – Northern Zone, issue E, Dated 19.09.2019.
- 17.7 Install the twenty (20) bicycle parking spaces as per the plan DA1-12 Main Floor South, issue I, Dated 29.07.2020.

18. ONGOING OPERATION

- 18.1 Store all waste generated on the premises in a manner so that it does not pollute the environment
- 18.2 Transport all waste generated on the premises to a facility which is licensed to receive that material.

- 18.3 Comply with all commitments generally as detailed in the Waste Management Plan required to be prepared and approved by Council's Waste Services Unit under Condition 14.4.
- 18.4 Locate the approved waste storage enclosure / area as indicated in accordance with the Waste Management Plan required to be prepared and approved by Council's Waste Services Unit under Condition 14.3(a)(1).
- 18.5 Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 18.6 Construct and manage the waste storage enclosure in accordance with the provisions of Gosford Development Control Plan 2013, Part 7: *Chapter 7.2 Waste Management*, Appendix D and Appendix G, as applicable.
- 18.7 Food waste to be stored in a designated Food Waste Refrigerator prior to disposal alternatively food waste to be separately stored for disposal of maximum 2-3 day intervals.
- 18.8 All waste to be serviced at a suitable frequency to ensure available waste storage at all times.
- 18.9 Lodge a new Liquid Trade Waste application when there is a change of ownership / occupancy or change to the activities licenced under this approval. As part of this process, Council will reassess the Liquid Trade Waste requirements for the site and update the Liquid Trade Waste approval document as appropriate. This form can be found on Council's website: www.centralcoast.nsw.gov.au
- 18.10 Maintain all works associated with the approved Landscape Plan L101 – Landscape Architectural Plan – Southern Zone, issue F, Dated 04.08.2020, and Plan L102 - Landscape Architectural Plan – Northern Zone, issue E, Dated 19.09.2019, and the Landscape Planting Schedule (Landscape Architectural Details, sheet 2, issue C, Dated 04.08.2020 throughout all stages of the development in perpetuity. Plants and landscaping as approved are to be replaced and maintained as required for the lifetime of the development.
- 18.11 The twenty (20) bicycle parking spaces as per the plan DA1-12 Main Floor South, issue I, Dated 29.07.2020 are to be maintained in a useable and safe manner for the lifetime of the development.

PENALTIES

Failure to comply with this development consent and any condition of this consent may be a **criminal offence**. Failure to comply with other environmental laws may also be a **criminal offence**.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);

- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

ADVISORY NOTES

- The inspection fee for works associated with approvals under the *Roads Act 1977* is calculated in accordance with Council's current fees and charges policy.
- Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.
- It is an offence under the *National Parks and Wildlife Act 1974* to disturb an Aboriginal artefact without a Permit.
- Discharge of sediment from a site may be determined to be a pollution event under provisions of the Protection of the Environment Operations Act 1997. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - k. Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - l. Jemena Asset Management for any change or alteration to the gas line infrastructure
 - m. Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - n. Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - o. Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the Workplace Health and Safety Act 2011 No 10 and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

- *Telecommunications Act 1997* (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.